

Representative A. Cory Maloy proposes the following substitute bill:

PHYSICIAN WORKFORCE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill creates grant programs related to the physician workforce.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a grant program to create new medical residency programs or expand current residency programs;
- ▶ creates a grant program to establish a new forensic psychiatrist fellowship program;
- ▶ creates a reporting requirement; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ To the Utah Board of Higher Education -- Medical Education Council, as a one-time appropriation:
 - from the Education Fund, \$3,000,000;
- ▶ To the Utah Board of Higher Education -- Medical Education Council, as an ongoing appropriation:
 - from the Education Fund, \$1,500,000; and



26 ▶ To the Utah Board of Higher Education -- Medical Education Council, as an
27 ongoing appropriation:

- 28 • from the Education Fund, \$550,000.

29 **Other Special Clauses:**

30 This bill provides a coordination clause.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and
34 424

35 ENACTS:

36 **53B-24-501**, Utah Code Annotated 1953

37 **53B-24-502**, Utah Code Annotated 1953

38 **Utah Code Sections Affected by Coordination Clause:**

39 **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and
40 424



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **53B-24-501** is enacted to read:

44 **Part 5. Medical Education Grant Programs**

45 **53B-24-501. Residency grant program.**

46 (1) As used in this section:

47 (a) "D.O. program" means an osteopathic medical program that prepares a graduate to
48 obtain licensure as a doctor of osteopathic medicine upon completing a state's licensing
49 requirements.

50 (b) "M.D. program" means a medical education program that prepares a graduate to
51 obtain licensure as a doctor of medicine upon completing a state's licensing requirements.

52 (c) "Residency program" means a program that provides training for graduates of a
53 D.O. program or an M.D. program.

54 (2) The council shall develop a grant program where a sponsoring institution in Utah
55 may apply for a grant to establish a new residency program or expand a current residency
56 program.

- 57 (3) An applicant for a grant shall:
58 (a) provide the proposed specialty area for each grant funded residency position;
59 (b) identify where the grant funded residency position will provide care;
60 (c) (i) provide proof that the residency program is accredited by the Accreditation
61 Council for Graduate Medical Education; or
62 (ii) identify what actions need to occur for the proposed residency program to become
63 accredited by the Accreditation Council for Graduate Medical Education;
64 (d) identify how a grant funded residency position will be funded once the residency
65 program exhausts the grant money;
66 (e) agree to implement selection processes for a residency position that treat applicants
67 from D.O. programs and applicants from M.D. programs equally;
68 (f) agree to provide information identified by the council that relates to post-residency
69 employment outcomes for individuals who work in grant funded residency positions; and
70 (g) provide any other information related to the grant application the council deems
71 necessary.
72 (4) The council shall prioritize awarding grants to new or existing residency programs
73 that will:
74 (a) address a workforce shortage, occurring in Utah, for a specialty; or
75 (b) serve an underserved population, including a rural population.
76 (5) Before November 1, 2023, and each November 1 thereafter, the council shall
77 provide a written report to the Higher Education Appropriations Subcommittee describing:
78 (a) which sponsoring institutions received a grant;
79 (b) the number of residency positions created; and
80 (c) for each residency position created:
81 (i) the type of specialty;
82 (ii) where the residency position provides care; and
83 (iii) an estimated date of when a grant funded residency position will no longer need
84 grant funding.
85 Section 2. Section **53B-24-502** is enacted to read:
86 **53B-24-502. Forensic Psychiatrist Fellowship Grant Program.**
87 (1) As used in this section, "forensic psychiatry" means the provision of services by an

88 individual who:

89 (a) is a licensed physician;

90 (b) is board certified for a psychiatry specialization recognized by the American Board
91 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
92 Specialists; and

93 (c) uses scientific and clinical expertise in legal contexts involving the mental health of
94 individuals.

95 (2) The council shall establish a grant program that will facilitate the creation of a
96 single forensic psychiatrist fellowship program.

97 (3) An applicant for the grant shall:

98 (a) demonstrate how the applicant is best suited for developing a forensic psychiatry
99 fellowship program, including:

100 (i) a description of resources that would be available to the program; and

101 (ii) any resources or staff that need to be acquired for the program;

102 (b) identify what needs to occur for the proposed residency program to become
103 accredited by the Accreditation Council for Graduate Medical Education;

104 (c) provide an estimate of how many individuals would be trained in the program at
105 any one time;

106 (d) provide any information related to the grant application the council deems
107 necessary for awarding the grant; and

108 (e) if awarded the grant, agree to:

109 (i) enter into a contract with the Department of Corrections that the applicant will
110 provide for the provision of forensic psychiatry services to an individual:

111 (A) who needs psychiatric services; and

112 (B) is under the Department of Corrections' jurisdiction;

113 (ii) ensure that any individual hired to provide forensic psychiatry services will comply
114 with all relevant:

115 (A) national licensing requirements; and

116 (B) state licensing requirements under Title 58, Division of Occupational and
117 Professional Licensing.

118 Section 3. Section **63J-1-602.2** is amended to read:

- 119 **63J-1-602.2. List of nonlapsing appropriations to programs.**
120 Appropriations made to the following programs are nonlapsing:
121 (1) The Legislature and the Legislature's committees.
122 (2) The State Board of Education, including all appropriations to agencies, line items,
123 and programs under the jurisdiction of the State Board of Education, in accordance with
124 Section [53F-9-103](#).
125 (3) The Percent-for-Art Program created in Section [9-6-404](#).
126 (4) The LeRay McAllister Critical Land Conservation Program created in Section
127 [11-38-301](#).
128 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under
129 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).
130 (6) The Trip Reduction Program created in Section [19-2a-104](#).
131 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
132 the Pelican Management Act, as provided in Section [23-21a-6](#).
133 (8) The emergency medical services grant program in Section [26-8a-207](#).
134 (9) The primary care grant program created in Section [26-10b-102](#).
135 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection
136 [26-18-3\(7\)](#).
137 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
138 [26-46-102](#).
139 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
140 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
141 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance
142 with Subsection [32B-2-301](#) (9)(a) or (b).
143 (15) The General Assistance program administered by the Department of Workforce
144 Services, as provided in Section [35A-3-401](#).
145 (16) The Utah National Guard, created in Title 39, Militia and Armories.
146 (17) The State Tax Commission under Section [41-1a-1201](#) for the:
147 (a) purchase and distribution of license plates and decals; and
148 (b) administration and enforcement of motor vehicle registration requirements.
149 (18) The Search and Rescue Financial Assistance Program, as provided in Section

150 [53-2a-1102](#).

151 (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).

152 (20) The Utah Board of Higher Education for teacher preparation programs, as
153 provided in Section [53B-6-104](#).

154 ~~[(21) The Medical Education Program administered by the Medical Education Council,~~
155 ~~as provided in Section [53B-24-202](#).]~~

156 (21) The Medical Education Council for the:

157 (a) administration of the Medical Education Program created in Section [53B-24-202](#);

158 (b) provision of medical residency grants described in Section [53B-24-501](#); and

159 (c) provision of the forensic psychiatric fellowship grant described in Section

160 [53B-24-502](#).

161 (22) The Division of Services for People with Disabilities, as provided in Section
162 [62A-5-102](#).

163 (23) The Division of Fleet Operations for the purpose of upgrading underground
164 storage tanks under Section [63A-9-401](#).

165 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).

166 (25) Appropriations to the Division of Technology Services for technology innovation
167 as provided under Section [63A-16-903](#).

168 (26) The Office of Administrative Rules for publishing, as provided in Section
169 [63G-3-402](#).

170 (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
171 Colorado River Authority of Utah Act.

172 (28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
173 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

174 (29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural
175 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
176 Employment Expansion Program.

177 (30) Appropriations to fund programs for the Jordan River Recreation Area as
178 described in Section [65A-2-8](#).

179 (31) The Division of Human Resource Management user training program, as provided
180 in Section [63A-17-106](#).

181 (32) A public safety answering point's emergency telecommunications service fund, as
182 provided in Section 69-2-301.

183 (33) The Traffic Noise Abatement Program created in Section 72-6-112.

184 (34) The money appropriated from the Navajo Water Rights Negotiation Account to
185 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
186 settlement of federal reserved water right claims.

187 (35) The Judicial Council for compensation for special prosecutors, as provided in
188 Section 77-10a-19.

189 (36) A state rehabilitative employment program, as provided in Section 78A-6-210.

190 (37) The Utah Geological Survey, as provided in Section 79-3-401.

191 (38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

192 (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
193 78B-6-144.5.

194 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
195 Defense Commission.

196 (41) The program established by the Division of Facilities Construction and
197 Management under Section 63A-5b-703 under which state agencies receive an appropriation
198 and pay lease payments for the use and occupancy of buildings owned by the Division of
199 Facilities Construction and Management.

200 Section 4. **Appropriation.**

201 The following sums of money are appropriated for the fiscal year beginning July 1,
202 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
203 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
204 Act, the Legislature appropriates the following sums of money from the funds or accounts
205 indicated for the use and support of the government of the state of Utah.

206 ITEM 1

207 To Utah Board of Higher Education -- Medical Education Council

208 From Education Fund, One-time \$3,000,000

209 From Education Fund \$1,500,000

210 Schedule of Programs:

211 Medical Residency Grant Program \$4,500,000

212 The Legislature intends that the Medical Education Council expend appropriations
213 provided under this item for providing grants for new residency positions under Section
214 53B-24-501.

215 ITEM 2

216 To Utah Board of Higher Education -- Medical Education Council
217 From Education Fund \$550,000
218 Schedule of Programs:
219 Forensic Psychiatry Grant Program \$550,000

220 The Legislature intends that the Medical Education Council expend appropriations
221 provided under this item to award the grant for a forensic psychiatrist fellowship program
222 under Section 53B-24-502.

223 **Section 5. Coordinating H.B. 295 with H.B. 176 -- Technical amendments.**

224 If this H.B. 295 and H.B. 176, Utah Health Workforce Act, both pass and become law,
225 it is the intent of the Legislature that on July 1, 2022, the Office of Legislative Research and
226 General Counsel, in preparing the Utah Code database for publication:

- 227 (1) renumber Section 53B-24-501 enacted in H.B. 295 to Section 26-69-407;
- 228 (2) renumber Section 53B-24-502 enacted in H.B. 295 to Section 26-69-408;
- 229 (3) replace each use of the words "the council" in Section 53B-24-501 and 53B-24-502
230 enacted in H.B. 295 with "UMEC"; and
- 231 (4) modify Section 63J-1-602.2 to read:

232 **"63J-1-602.2. List of nonlapsing appropriations to programs.**

233 Appropriations made to the following programs are nonlapsing:

- 234 (1) The Legislature and the Legislature's committees.
- 235 (2) The State Board of Education, including all appropriations to agencies, line items,
236 and programs under the jurisdiction of the State Board of Education, in accordance with
237 Section 53F-9-103.

238 (3) The Percent-for-Art Program created in Section 9-6-404.

239 (4) The LeRay McAllister Critical Land Conservation Program created in Section
240 11-38-301.

241 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under
242 Subsection 17-16-21(2)(d)(ii).

- 243 (6) The Trip Reduction Program created in Section [19-2a-104](#).
- 244 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
245 the Pelican Management Act, as provided in Section [23-21a-6](#).
- 246 (8) The emergency medical services grant program in Section [26-8a-207](#).
- 247 (9) The primary care grant program created in Section [26-10b-102](#).
- 248 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection
249 [26-18-3\(7\)](#).
- 250 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
251 [26-46-102](#).
- 252 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
- 253 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 254 (14) The Utah Medical Education Council for the:
- 255 (a) administration of the Utah Medical Education Program created in Section
256 [26-69-403](#);
- 257 (b) provision of medical residency grants described in Section [26-69-407](#); and
- 258 (c) provision of the forensic psychiatric fellowship grant described in Section
259 [26-69-408](#).
- 260 ~~[(14)]~~ (15) Funds that the Department of Alcoholic Beverage Control retains in
261 accordance with Subsection [32B-2-301](#) (9)(a) or (b).
- 262 ~~[(15)]~~ (16) The General Assistance program administered by the Department of
263 Workforce Services, as provided in Section [35A-3-401](#).
- 264 ~~[(16)]~~ (17) The Utah National Guard, created in Title 39, Militia and Armories.
- 265 ~~[(17)]~~ (18) The State Tax Commission under Section [41-1a-1201](#) for the:
- 266 (a) purchase and distribution of license plates and decals; and
- 267 (b) administration and enforcement of motor vehicle registration requirements.
- 268 ~~[(18)]~~ (19) The Search and Rescue Financial Assistance Program, as provided in
269 Section [53-2a-1102](#).
- 270 ~~[(19)]~~ (20) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 271 ~~[(20)]~~ (21) The Utah Board of Higher Education for teacher preparation programs, as
272 provided in Section [53B-6-104](#).
- 273 ~~[(21)]~~ ~~The Medical Education Program administered by the Medical Education Council,~~

274 as provided in Section ~~53B-24-202~~.]

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276 62A-5-102.

277 (23) The Division of Fleet Operations for the purpose of upgrading underground
278 storage tanks under Section 63A-9-401.

279 (24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

280 (25) Appropriations to the Division of Technology Services for technology innovation
281 as provided under Section 63A-16-903.

282 (26) The Office of Administrative Rules for publishing, as provided in Section
283 63G-3-402.

284 (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
285 Colorado River Authority of Utah Act.

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287 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

288 (29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural
289 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
290 Employment Expansion Program.

291 (30) Appropriations to fund programs for the Jordan River Recreation Area as
292 described in Section 65A-2-8.

293 (31) The Division of Human Resource Management user training program, as provided
294 in Section 63A-17-106.

295 (32) A public safety answering point's emergency telecommunications service fund, as
296 provided in Section 69-2-301.

297 (33) The Traffic Noise Abatement Program created in Section 72-6-112.

298 (34) The money appropriated from the Navajo Water Rights Negotiation Account to
299 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
300 settlement of federal reserved water right claims.

301 (35) The Judicial Council for compensation for special prosecutors, as provided in
302 Section 77-10a-19.

303 (36) A state rehabilitative employment program, as provided in Section 78A-6-210.

304 (37) The Utah Geological Survey, as provided in Section 79-3-401.

305 (38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

306 (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
307 78B-6-144.5.

308 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
309 Defense Commission.

310 (41) The program established by the Division of Facilities Construction and
311 Management under Section 63A-5b-703 under which state agencies receive an appropriation
312 and pay lease payments for the use and occupancy of buildings owned by the Division of
313 Facilities Construction and Management."